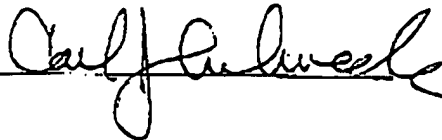


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CGNE 62-1(1)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of )

Comai, et al. )

Serial No. 07/985,742 )

Filed: December 4, 1992 )

For: FIGWORT PLANT PROMOTER )  
AND USES )

Examiner: P. Moody

Art Unit: 1804

AMENDMENT UNDER  
37 C.F.R. 1.116(b)

Honorable Commissioner of  
 Patents and Trademarks  
 Washington, DC 20231

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Sir:

GROUP 1800

Applicants submit the following Amendment in support of  
 the Appeal Brief submitted herewith.

AMENDMENT

Please amend Claim 20 to read as follows:

20. (Thrice amended) A recombinant DNA construct capable of [constitutive] transcription in a plant cell comprising in the 5' to 3' direction of transcription as operably joined components, a figwort mosaic virus 34S promoter, a DNA sequence of interest heterologous to said promoter and a transcript termination region functional in a plant cell.